



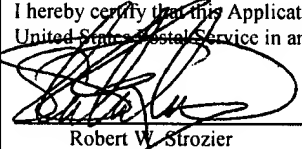
09-11-7

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: **SOHOCKI**  
SERIAL NO: **09/765061**  
FILED: **01/17/2001**  
FOR: **MUTATIONS IN A NOVEL  
PHOTORECEPTOR-PINEAL GENE ON 17P CAUSE  
LEBER CONGENITAL AMAUROSIS (LCA4)**

§ EXAMINER: **SHIBUYA**  
§ GROUP ART UNIT: **1639**  
§ DOCKET: **25630/16UTL**  
§  
§  
§

<b>EM 031 559 228 US</b>	<b>CERTIFICATION UNDER 37 C.F.R. § 1.10</b>	<b>10 September 2007</b> Date of Deposit
I hereby certify that this Application and the documents referred to as enclosed therein are being deposited with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee," addressed to: Commissioner for Patents MS AF/DAC P.O. Box 1450, Alexandria, VA 22313-1450		
 Robert W. Strozier		<b>10 September 2007</b> Date of Signature

**PETITION FOR UNINTENTIONALLY DELAYED BENEFIT CLAIM**

Applicant respectfully petitions the Commissioner under 37 C.F.R. § 1.78(a)(3) or (a)(6) for the grant of an unintentionally delayed benefit claim. When Applicant filed this application, Applicant filed claiming priority to an application filed on January 4, 2001 bearing Express Mail Label EL 389 348 319 US, as Applicants did not have the serial number of this application at the time of the filing of this application.

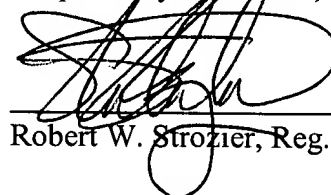
On May 2, 2002, Applicants submitted a preliminary amendment adding the serial number of the provisional application. The delay in filing this amendment was because the application filed under Express Mail Label EL 389 348 319 US was afforded a utility application serial number instead of a provisional serial number. Applicants then sent a petition requesting conversion of the application to a provisional application, which was granted.

After the May 2, 2002 preliminary amendment, the USPTO sent a Notice of Non-Compliant Amendment. Applicants did not respond to this Notice, but Applicants attorney cannot determine why the response was not responded to. The Notice must have been inadvertently misplaced.

Applicants, therefore, respectfully request that the USPTO grant this petition.

**The Commissioner is authorized to charge the petition fee to Deposit Account No. 501518.**

Respectfully Submitted,

  
Robert W. Strozier, Reg. No. 34,024

Date: **September 10, 2007**